

# **EXHIBIT E**

**HIGHLY CONFIDENTIAL  
PURSUANT TO PROTECTIVE ORDER**



**Transcript of Gautam Gowrisankaran**

Friday, September 1, 2023

***United States, et al. v. JetBlue Airways Corporation  
and Spirit Airlines, Inc.***

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Reference Number: 132933

1                   IN THE UNITED STATES DISTRICT COURT

2                   FOR THE DISTRICT OF MASSACHUSETTS

3       - - - - - X

4       UNITED STATES OF AMERICA, et       :

5       al,                                       :

6                   Plaintiffs,               :    Case No.

7                   v.                               :    1:23-cv-10511-WGY

8       JETBLUE AIRWAYS CORPORATION       :

9       AND SPIRIT AIRLINES, INC.,       X

10                  Defendants.

11       - - - - -

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13                   VIDEOTAPED DEPOSITION OF

14                   GAUTAM GOWRISANKARAN

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16                  HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

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18                                   Washington, D.C.

19                                   Friday, September 1, 2023

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1 for, say, roll-on bags. And they do account for the  
2 prices that they would pay at JetBlue for roll-on  
3 bags. Some of them will pay that if they're in Blue  
4 Basic, for instance. Others won't pay that if  
5 they're not.

6 And so those regressions do account for  
7 those ancillary fees, and I don't find anything too  
8 different. The harm is a little larger when you  
9 account for them, but it's pretty similar to if I  
10 just use the DB1B data.

11 Q. You're not saying that the experience a  
12 passenger has on JetBlue is the same as the  
13 experience a passenger has on Spirit after purchasing  
14 all the ancillary products Spirit offers, are you?  
15 Still a differentiated experience?

16 A. I've testified already, Mr. Culley, that  
17 airlines are differentiated. You know, some people  
18 like the snacks on Spirit, and some people like the  
19 snacks on JetBlue. Even within JetBlue planes, some  
20 people may not want the cheapest fares of Blue Basic  
21 because you've got to board last.

22 I know people who like to recline in their

1 seats, and I know other people who say, I like to fly  
2 Spirit because the seat, the person in front of me  
3 isn't reclining their seat. That means I can read my  
4 book more comfortably without worrying about the seat  
5 being crashing into me, and crashing into my book.

6 So there's differentiation across these  
7 products. You're not going to get exactly the same  
8 product when you switch from Spirit to JetBlue.  
9 That's for sure. But the point I made is that  
10 accounting for a la carte services, if anything, does  
11 not decrease the harm that this merger -- the net  
12 harm that this merger would result in. It actually  
13 increases it.

14 Q. Do you agree that JetBlue is able to  
15 closely compete with legacy airlines?

16 A. So that's a really broad statement, and  
17 it's going to depend on the market that it's  
18 operating in. But as a whole, JetBlue has become  
19 more like legacy airlines. It definitely competes  
20 with legacy airlines, also with Southwest, and also  
21 with Spirit. All those are true. That airlines  
22 compete with each other, and JetBlue is no exception